

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, AUGUST 4, 1999.**

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary
Patrick Ntarelli

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board Member
Ralph G. Mastromonaco & Tim Miller, Consulting Engineers
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
Mary Beth Dooley, ECB Member
J&L Reporting Service for Westwood Development Associates
Members of the Public.

IPB Matters

Considered:

- 94-03 -- Westwood Development Associates**
Sht.10,P25J2,25K2,Sht.20C,B1.226,Lots 25A,26A
- 98-12 -- Boran Construction**
Sht. 5, Bl. 212, Lor 4 & 5
- 98-44 -- Ciccio & Chernick**
Sht. 10C, Bl. 226, Lot 25
- 99-23 -- Irvington Associates**
Sht. 12B, Lot 25 & 31
- 99-31 -- Danfor Realty Co. (Fatato Subdivision)**
Sht. 13B, P5 P5C
- 99-33 -- Mackie & Martucci Subdivision**
Sht. 2, P-109P12
- 99-40 -- Robert & Ellen Sable**
Sht. 13, P-45
- 99-41 -- Andrew & Katherine O'Conor**
Sht. 10A, Bl. 228, Lot 1
- 99-42 -- SAB Development Corp.**
Sht. 7, Lot 1
- 99-43 -- John Shapiro & Shonni Silverberg**
Sht. 1, P-3B, 5B, 115, 117
- 99-44 -- Edward & Laura Midgley**
Sht. 2, P-109B

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-55: This application, for Amended Site Development Plan Approval for Lot #60 Legend Hollow, was approved at the July 7, 1999 meeting subject to written confirmation from Mr. Irish, a neighbor, of his acceptance of the solution proposed by Spectrum, the Applicant, with respect to the removal of an oak tree for a relocated driveway. The Chairman read aloud a letter from Mr. Irish, dated July 8, 1999, stating "I hereby remove my objection to the removal of the oak tree located on Lot #60 in Legend Hollow."

IPB Matter #99-40:

**Application of Robert & Ellen Sable for Waiver
of Site Development Plan Approval for property
at 50 Butterwood Lane West.**

Mogile Cancaninein, of Escaladas Associates, appeared for the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development is for the construction of a screened porch on the southwest corner of the existing wood deck. Drawings submitted were: Plan/Section and Plan Elevations, Proposed Porch for Dr. & Mrs. Sable, at Butterwood Lane West, Irvington, prepared by E. Escaladas Associates, Architects and Engineers, dated June 28, 1999.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution.

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the

waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #99-41:

**Application of Andrew & Katherine O'Connor for
Waiver of Site Development Plan Approval for
property at 9 Irving Place.**

John Deans, Architect, appeared for the application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. Proposed development consists of expanding the floor area and headroom to existing second story by raising the roof line, to allow a full height ceiling throughout the second floor. The modification/renovation will increase the cubic space of the existing structure by 4,179 cubic ft., increasing floor area 287 sq. ft. The proposed renovation will not change the footprint. In addition, Applicant proposes a semi-circular porch to the front with a radius of 10 ft., a total of 300 sq. ft. Drawings submitted were: O'Connor Residence, Addition & Alterations, dated July 20, 1999, prepared by John Deans, Architect, 5 pages. There was a question regarding the front porch setback requirements.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made and seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all

requirements for Site Development Plan Approval for this Application, subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

IPB Matter #99-43:

Application of John Shapiro & Shonni Silverberg for Site Development Plan Approval for property at 2 Fargo Lane.

John Marwell, Esq., and Mr. Shapiro appeared for the Applicant. Applicant paid the required application fee and furnished evidence of publication and mailing of the required Notice to Affected Property Owners. The proposed development is for the construction of a single family residence, garage and swimming pool. The Westchester Land Trust holds a conservation easement on this property and has granted approval to the Applicants for this project (letter from Susan E. Carpenter, Director of Land Preservation, dated August 2, 1999, is part of Planning Board file.)

Mr. Karch, a neighbor, was concerned over possible removal of a wooden rail fence. Mr. Mastromonaco's memo dated August 4, 1999 requested: erosion control methods should be shown with details, label the elevation of the proposed contours throughout, trees to be removed and trees to remain should be shown, tree protection details should be provided where trees are to be saved (tree wells, trunk armor, etc.), and retaining walls that are not part of the house structure, over 4 feet high, require specific engineering design details.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the following action. It approved drawings: Plans for John M. Shapiro, prepared by Vollmer Associates, LLP., Engineers, Landscape Architects and Planners, Sheets 1,C1.0,C1.1,L1.0,A1.1,A1.2, and A3.1, dated July 15, 1999, subject to Mr. Mastromonaco's sign-off of the August 4, 1999 memo.

IPB Matter #99-44:

Application of Edward & Laura Midgley for Site Development Plan Approval for property at 25 Matthiessen Park.

Anthony Schembri, of Opacic Architects, appeared for the Application. Applicant paid the required application fee and furnished evidence of mailing of Required Notice to Affected Property Owners. Applicant proposes to demolish a portion of existing home and build a new addition in its place, to accommodate a new kitchen, family room and garage on the first floor and two bedrooms on the second floor. The new addition will increase the building footprint by 35.5% (or 1250 sq. ft.), an increase of approximately 36% cubic feet. Mr. Roy Dailey, a neighbor, wanted an explanation of the second driveway, and Mrs. Dailey had questions regarding landscaping and water drainage, concerns were satisfactorily addressed.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the following action. It approved

drawings: Midgeley Residence, prepared by I.Q. Landscape Architects, SP.1, dated July 23, 1999, and one set of plans for Midgeley Residence, prepared by Opacic Architects, dated July 23, 1999, 12 pages.

IPB Matter #99-42:

**Application of SAB Development Corp., for
Site Development Plan Approval for property
at 58 Ardsley Avenue West.**

Mr. Andrew Saines appeared personally. Applicant requests Planning Board approval to authorize the modification of the previously approved site plan and driveway location. Village Counsel explained the history of the site leading up to the stop work order. The Planning Board cannot stop or recommend construction on the site. A site walk will be scheduled prior to the September meeting, after new revised site plans and topo map are submitted. Dr. Amin, a neighbor stated that the garage must be moved. Mr. Rancic would like the retaining wall lowered. The application was adjourned to the September 8, 1999 Planning Board meeting.

IPB Matter #99-33:

**Application of Robert & Katherine Mackie and
Katherine Martucci for Subdivision of property
North of Bridge Street.**

Keith Seiden, Engineer and Architect, appeared for the Applicant. This application regarding subdivision of a two acre vacant parcel of land on the north side of Bridge Street, was carried over from the July meeting. The Chairman read aloud a letter from Mr. Cohen, dated August 4, 1999, stating he is aware of the proposed subdivision and would appreciate an opportunity to review the plans. Mr. Mastromonaco's memo dated August 4, 1999 was discussed. There was no public comment. A question arose as to whether access should be given to the lots north of the two subject lots. If that is the case, what width should access road be, and should Lot 2 have a paved turnaround. Applicant is required to get the Department of Public Works and Fire Department opinions on access road width. The application was carried over to the September meeting.

IPB Matter #98-12:

**Application of Boran Construction Corp., for
Site Development Plan Approval for property
at 76 Main Street.**

Ken Nadler, Architect, appeared for the Applicant. Applicant furnished evidence of mailing of required Notice to Affected Property Owners. The Chairman read aloud a letter from Mr. Canning dated August 3, 1999, relating to vehicular and pedestrian safety. Public comment: Mr. Mazur prefers Ferris Street to be entrance, Mr. Canning explained again the disadvantage. Mr. Nadler has changed the exit to require a turn north on Ferris Street. There was considerable discussion regarding sight lines and the impact of parking spaces on Main Street. The Building Inspector's letter on garbage containers was noted. The application was carried over to the September meeting.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

The Chairman said that, contrary to what he had thought would be the progression of events, he now believes that it is necessary for the Board to ascertain and make Findings pursuant to the Village's so-called "remedial legislation" before it can make Findings under SEQRA. He therefore proposed that the Board set a date for a Special Meeting to start consideration of Findings pursuant to the remedial legislation. Mr. Pateman, who appeared for the Applicant, agreed with this suggestion but no date was set other than that it should be after September 14, when the School Board is meeting to consider an agreement with the Applicant concerning relocation of a portion of High School Drive.

The Board informed the Applicant that because Tract A is less than 25 acres, the remedial legislation was not applicable to it unless it were connected to Tract B to make contiguous parcels totalling more than 25 acres. Mr. Pateman acknowledged this point and said he would have the layout of the proposed situation modified to include such a connection.

The Board also considered the request by Kevin Lundeen and Elise Goldschlag of Riverview Road that a stone or brick wall be built alongside the proposed relocated roadway on the High School property to screen their residence on Riverview Road from auto headlights. The Board expressed the view that such a wall was inappropriate but said that the final site plan should provide for some screening by vegetation or a wooden fence along the property line.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

IPB Matter #98-44:

**Application of Joseph & Denise Ciccio and
Mitchell & Sheri Chernick for subdivision of
property at Riverview Road.**

The application was carried over to the September 8, 1999 meeting.

IPB Matter #99-23:

**Application of Irvington Associates for
property at Lot(s) 25 & 31, Legend Hollow.**

The application was carried over to the September 8, 1999 meeting.

IPB Matter #99-31:

**Application of Danfor Realty for Subdivision
of property (Fatato) at Harriman Road between
Shady Lane and Park Road.**

The application was carried over to the September 8, 1999 meeting.

The Board then considered the following administrative matters:
The next regular meeting of the Planning Board was scheduled for September 8, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary